

Attorney Docket No. 15907-022

Express Mail Label No. EV165101641US; Mailed April 17, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
O'Brien et al.
For: **RADIATION SENSITIVE
LIPOSOMES**

Serial No.: 09/728,716

Filed: November 30, 2000

Examiner: Gollamudi S. Kishore, Ph.D.

Group Art Unit: 1600

**REQUEST FOR CONTINUED
EXAMINATION UNDER 37 CFR §1.114**

RCE/15907
RECEIVED
APR 24 2003
TECH CENTER 1300/2900
9/Cy + termie
(3mo) + Reg
under 1.114

BOX RCE
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is a request for continued examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on (any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
- iii. ☐ Other _____.
- b. ☒ Enclosed
- i. ☒ Amendment/Reply to Office Action mailed October 18, 2002.
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____.

04/22/2003 BNGUYEN1 00000029 081641 09728716

01 FC:1801 750.00 CH
02 FC:1202 18.00 CH

04/22/2003 BNGUYEN1 00000029 081641 09728716

03 FC:1253 930.00 CH

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2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) as required by 37 C.F.R. § 1.114 upon filing of the RCE.

- a. ☒ Please charge Deposit Account No. 08-1641 in the amount of \$1,698.00 (\$750.00 for RCE fee, \$930.00 for 3 month extension and \$18.00 for additional claim fee), referencing Atty. Docket No. 15907-0022.
- b. ☒ The Commissioner is hereby authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 CFR §1.16 and §1.17, to Deposit Account No. 08-1641, referencing Atty. Docket No. 15907-0022.
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) — \$750.00
- ii. ☒ 3 Month extension of time fee (37 C.F.R. §§ 1.136 and 1.17) — \$930.00
- iii. ☒ Other Additional Claim Fee \$18.00
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

4. Address all future communications to:
Customer Number 25213

5. Other documents enclosed herewith:

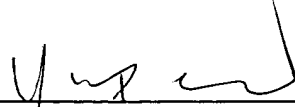
- ☐ Preliminary Amendment.
- ☐ Information Disclosure Statement.
- ☒ Return Receipt Postcard.
- ☐ Other (Specify: _____).

6. Assignee of Record: Varian Medical Systems, Inc. and The Arizona Board of Regents on Behalf of the University of Arizona.

Respectfully submitted,

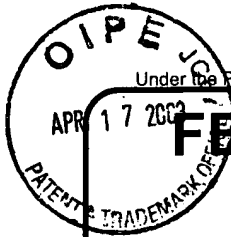
Date: April 17, 2003:

By:


Y. Chow Ping
Registration No. 30,740

Heller Ehrman White & McAuliffe LLP
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Facsimile: (650) 324-0638

SV 429960 v1



FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 1,698.00

Complete if Known

Application Number 09/728,716

Filing Date November 30, 2000

First Named Inventor OBrien

Examiner Name Gollamundi S. Kishore, Ph.D.

Art Unit 1600

Attorney Docket No. 15907-0022

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number
Deposit Account Name

08-1641 (15907-0022)

HELLER EHRMAN WHITE & McAULIFFE LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
34	-20** = 1	18	18
1	-3** = 0		
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 1,698.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	930.00
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	750.00
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1,680.00

SUBMITTED BY

Name (Print/Type)

Y. Ping Chow

Registration No.
(Attorney/Agent)

30,740

(Complete if applicable)

Telephone (650) 324-7000

Signature

Date

March 25, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.